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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Letter dated 31 May 2016 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the General Assembly

I have the honour to recall that Tunisia has decided to present its candidature to the Human Rights Council for the term 2017-2019 at elections to be held during the seventy-first session of the General Assembly.

I enclose herewith a copy of the voluntary pledges and commitments of the Government of Tunisia for the promotion and protection of human rights, in accordance with General Assembly resolution 60/251 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 113 (d) of the preliminary list.

(*Signed*) Mohamed Khaled **Khiari**
Ambassador
Permanent Representative

* A/71/50.

16-10104 (E) 230616 230616

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Annex to the letter dated 31 May 2016 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the General Assembly

[Original: French]

Candidature of Tunisia to the Human Rights Council, 2017-2019

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

Tunisia has presented its candidature to the Human Rights Council for the period 2017-2019. Its candidature has the support of the Summit of Heads of State and Government of the African Union, expressed in January 2016, and of the Council of Foreign Ministers of the League of Arab States, expressed in September 2014.

With this decision, which follows on the revolution of 2011, Tunisia reiterates its abiding attachment to the values of human rights as contained in the Universal Declaration of Human Rights and the related conventions and protocols.

Since its revolution for freedom and dignity, which is now reflected in the motto of the Second Republic, Tunisia has undertaken to respect, promote and protect all human rights and basic freedoms in their universal, comprehensive and interdependent aspects, in accordance with conventions and international instruments.

The adoption of the new Constitution on 27 January 2014 and the democratic, free and transparent legislative and presidential elections that followed represent historic milestones for Tunisia, solemnizing its strong attachment to democracy and political pluralism.

I. A progressive and irreversible approach to human rights

The Tunisian approach to human rights, which is set forth in the new Constitution and imbued with the principles of the revolution, is based on the principles of the rule of law, consolidation of participatory democracy and strengthened human rights.

Having acceded to nearly all of the United Nations human rights instruments and to most of the optional protocols thereto, Tunisia has, since 2011, been overhauling its human rights legislation in order to align it with international norms and standards. This commitment attests not only to the centrality of these rights in national policy but also to the fundamental importance that Tunisia attaches to effective guarantees of their fulfilment.

Enshrinement in the new Constitution of the full range of values and human rights, in their accepted sense as universal and indivisible, reflects a proactive approach to reinforcing the system of human rights and fundamental freedoms and guaranteeing the appropriate conditions needed for their full and effective enjoyment. Moreover, the guarantee of inviolability of these rights under the Constitution, which elevates them to supra-constitutional status, is a significant step forward.

The whole of chapter II of the 2014 Constitution of Tunisia is dedicated to rights and freedoms such as equality, freedom of opinion, expression, thought, conscience, belief and information, the right to life, dignity and physical integrity, the prohibition against torture, the non-applicability of statutory limitations to the crime of torture, the right to access to information, the right to strike, the right to freedom of association, the right to establish political parties, the right to assembly and the right to engage in peaceful demonstrations. Second- and third-generation human rights such as the rights to health, social protection, work, education and culture and environmental rights also feature prominently in the new Constitution.

This policy direction has been backed up by the will to introduce new national mechanisms and institutions for the protection and promotion of human rights, such as the National Agency for the Prevention of Torture, the Constitutional Court and the Agency for Human Rights, whose framework was finalized in accordance with the Paris Principles, following a series of local and national consultations with various stakeholders, including civil society.

Thanks to resolute political will, this approach has made it possible to achieve genuine progress in the area of human rights in Tunisia, including civil and political rights as well as economic, social and cultural rights, earning recognition for Tunisia from United Nations bodies and the international community.

II. A commitment to cooperation with international human rights bodies

Significantly, the first legal instruments adopted in 2011 following the revolution gave new impetus to the accession by Tunisia to international human rights instruments, such as the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Civil and Political Rights, the Rome Statute of the International Criminal Court and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Tunisia also took an important step in October 2011, when it withdrew all its reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

It has also worked to develop productive cooperation with United Nations human rights bodies, including through the election of several Tunisian experts to treaty bodies: the Human Rights Committee, the Committee on the Rights of the Child, the Committee against Torture and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

This cooperation has been strengthened by the opening in Tunis of a country office of the Office of the United Nations High Commissioner for Human Rights, with a broad mandate, as well as representative offices of the Office of the United Nations High Commissioner for Refugees and a number of non-governmental organizations, such as the Arab Institute for Human Rights, Reporters Without Borders, Doctors Without Borders, Euro-Mediterranean Human Rights Network, World Organization against Torture, Amnesty International and Human Rights Watch.

In addition, and in support of the principles of interaction with and responsiveness to the United Nations human rights mechanisms, Tunisia has submitted periodic reports under the following conventions, which it has ratified:

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: the third national report was considered by the Committee against Torture on 21 and 22 April 2016 in Geneva.
- The International Convention for the Protection of All Persons from Enforced Disappearance (September 2014): the initial report of Tunisia was considered by the Committee on Enforced Disappearances on 7 and 8 March 2016 in Geneva. In this context, Tunisia has taken steps under articles 31 and 32 of that Convention to recognize, once the constitutional procedure has been completed, the competence of the Committee to receive and consider complaints.
- The International Covenant on Economic, Social and Cultural Rights (report submitted in January 2015): consideration of the third national report by the Committee is planned for 22 and 23 September 2016.

In the same vein, a delegation of the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment made a visit to Tunisia from 12 to 14 April 2016.

On 22 May 2012, Tunisia submitted its second report for the universal periodic review, providing an overview of the human rights situation since 2008. A mid-term report was voluntarily submitted to the Human Rights Council in September 2014. The submission of the third report of Tunisia is planned for 2017.

As part of cooperation with the special procedures of the Human Rights Council, the Special Rapporteurs and the working groups made a dozen visits to Tunisia during the period 2011-2015 in response to a standing invitation extended by the Tunisian authorities to all mandate holders in February 2011. The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights is planning another visit to Tunisia.

In addition to its ongoing cooperation with the United Nations human rights bodies and mechanisms, Tunisia has met its commitments by responding to and providing necessary clarifications on urgent appeals, complaints and communications.

This productive cooperation has enabled Tunisia to further bring its constitutional and legislative framework into line with existing international principles of human rights and fundamental freedoms. In that context, in February 2016 there was an amendment to the sections of the Penal Procedure Code on preventive detention, guaranteeing that a lawyer will be present during questioning for every defendant, and on the duration of police custody, which has been reduced from three days to 48 hours and may now be renewed only once (in criminal cases).

Tunisia has set up the following new bodies to oversee the protection of human rights and compliance with its international human rights commitments:

- The Ministry for Relations with Constitutional Bodies and for Civil Society and Human Rights, which is responsible, inter alia, for finalizing the

establishment of the independent constitutional bodies referred to in chapter VI of the Constitution, such as the Agency for Human Rights, the Agency for Sustainable Development and the Rights of Future Generations, the Agency for Audiovisual Communications and the Agency for Good Governance and Anti-Corruption Measures.

- The National Agency for the Prevention of Torture, established in accordance with article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- The Agency for Truth and Dignity, established as part of the transitional justice framework to investigate human rights abuses committed since 1955, prosecute alleged perpetrators and compensate and rehabilitate victims.
- The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights (treaty bodies, universal periodic review, Human Rights Council special procedures, regional mechanisms, etc.)

III. Commitments to the Human Rights Council

Tunisia, a founding member of the Human Rights Council (where it served as a member from 2006 to 2007), fully supports the principles and ideals of the Council and pledges, if elected to that body, to:

- Contribute to the achievement of the objectives set by the Council and of its mandate under resolution 60/251.
- Maintain open dialogue and constructive cooperation with the members and non-members of the Human Rights Council, while working to foster consensus among diverse partners to promote the cause of human rights.
- Contribute to all efforts and actions to promote human rights and achieve well-being and progress for humanity as a whole, which is a constant of Tunisian foreign policy.
- Work within the groups to which it belongs to strengthen the universal, comprehensive and interdependent nature of human values.
- Pay particular attention to the fundamental rights of people in the most vulnerable groups.
- Support the universal periodic review as a mechanism designed to promote respect for human rights worldwide.
- Continue to contribute to the normative efforts of the Council, particularly through its affiliation with various groups of main sponsors, including those sponsoring draft resolutions on civil society space (with Ireland), freedom of expression on the Internet (with Sweden) and the protection of journalists (with Austria).
- Continue, moreover, its tradition of co-sponsoring resolutions on human rights defenders; reprisals; the right to engage in peaceful demonstrations; torture; business and human rights; the right to development; violence against women; racism; and the rights of persons of African descent.

- Continue supporting, through regular statements in the Council and through various groups of friends and other unofficial groups, the special procedures of the Council, the integrity and independence of the Office of the High Commissioner for Human Rights, the International Criminal Court and the treaty body strengthening process co-facilitated by Tunisia in New York.

- Cooperate closely with the Office of the High Commissioner for Human Rights and actively support its work.

Moreover, Tunisia, which shares in the universal awareness of human rights and holds the advancement of humankind as its highest objective, reaffirms the need to work together in accordance with the relevant international instruments to adopt a common international vision aimed at combating the pervasive phenomena of violent extremism and terrorism, which are one cause of the worsening human rights situation in several regions of the world.